

IN ^{g. 29}
ANSWER
TO
THE EARLE OF
STRAFORDS
ORATION.

The 13. of Aprill, 1641.



Printed in the yeare 1641.

IN
A N. S. W. E. R.

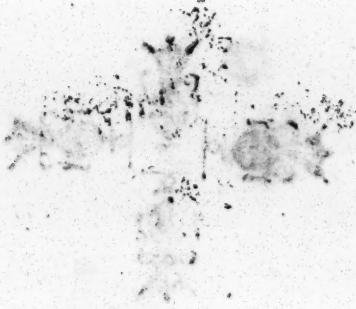
TO

THE EARLE OF

STRAFFORDS

ORATION

By Sir John Hales



Printed in the year 1641



With your Lordships favour,

If the subversion of the fundamentals of Faith be Heresie, why not as well the subversion of the fundamental Lawes, Treason? Shall it be Treason to destroy the Kings Minister? and shall that be none that destroyes his protector? For the Law protects the King, aswell as the King the Lawes: and if Lawes did not subsidiate Princes, Kingdoms would totter as foundationlesse: nay they are indeed, the very subsistence of Kings.

Let it be supposed, though not granted, that no one particular make it Treason, may not many and successeive Acts amount it to that height? One graine of poyson is not mortall, but many together are. Exportation of Sheepe for once is but a Trespasse, but acted a second time is Felony by Statute. Refusall of the Oath of Supremacy is at first not capitall, but refus'd againe, by Statute is made Treason. And to my weake understanding, my Lords, this cleerly shewes the mind of the Law: one ill act of waving the Law, may be but out of rashnesse, out of Ignorance; but a perpetuated practice, shewes a prepen-

And malice, and murder thus acted by the 10.
H. 7. in Ireland, is Treason.

Be it there be no statute or Common Law
in expresse to make it so, yet necessary in-
ferences, if they be not certainties, are next
them; and if the deputed Judge or Gover-
nour hath power in the businesse of the Sub-
ject, to make the sway arbitrary, where Law
is positive, I know not but hee may doe the
same in the businesse of the Sovereigne; so it
may come to pull the Sovereignty from the
Prince, and place it on his substitute, and
whether this be Treason or no, I leave to your
Lordships consideration.

'Tis true, *de non apparentibus, & non existen-
tibus, eadem est Ratio*, But my Lords, to make
this Treason, is not unapparent: a partiall
eye will not find it, but he that lookes, *Intuitu
serio*, may see even the Triple Gerion of Trea-
son in it, for it cannot be but there is *Lesā
Respub. Lex Maiestas*, the Common-wealth is
oppressed, the Lawes are suppress, the Prince
is scandal'd in act, and subjected by conse-
quence to his Denious determinations: and
therefore I shall without admiration tell you
where this fire hath layen those hundred of
yeares he speaketh of, even (my Lords) in the
honestest behaviour of other Ministers of
State,

State, who have not beene injurious against the Lawes, and there still had it beene buried, if his owne nefarious actions had not unembred it, and fuel'd it a new.

Nor can your Sentence be before promulgation, since even your renowned Progenitors have already declared it Treason; though not by a particular Statute in termes: yet by a demonstrative practice, which if his Lordship would not have beene willingly blind, had beene Buoy enough to keepe him from that Anchor of us all, which now must either hurt it selfe, or else split him, the Parliament whose Courses left upon Record cannot be taken for under water workes, so that a very ealie honesty and common morallity (without Revelation) might have serv'd as the red Crosse and the Bill, to have warn'd him from this plague of Legicide.

I shall beg as hard as his Lordship, that you have regard to your selves, for if upon him (by whose authority, Peeres shall be sentenc'd to be shot, Noble cutb'd & coop'd up, Lawes subverted, Freehold disposed of out of the Courts, Grants under the Royall seale extrajudicially disanul'd and what may be profit of, Monopoliz'd) you set not some everlasting Character to deter the like front-
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lesse attempts; I know not but the next Com-
mer may subjugate your dearest freedoms,
and as remedlesse you may then complaine,
as those who now doe suffer, and have not yet
found a redresse.

My Lords under favour, your providence
may be short; if it reach but to burning of
Bookes: a fire of dead leaves will be too
weake a fuell for a warning Beacon: A living
Author made exemplary will afford a Taller
flame, and if there were no other Law, that
of Retaliation could not but be just; an ar-
bitrary sentence, were but plowing with his
owne Heyfer, Who striving to seclude the
Lawes, would inferre a kind of legall Tyranny;
from a heist that is a Libertine, and
therefore your Lordships, I perswade my selfe,
will thinke it mightily fit, to cast this *Jonas*
over board, who has occasioned all these
stormes, indangered all the sacred ship of Go-
vernment, and by flying the plaine speaking
Law, has dar'd by his Imperious Vote, to out-
goe even all the bold attempts of Ancestry.
It is some comfort to us, that in 240 years,
we have had no use of these venerable, (though
by him reviled for musty) Records. The
Common-wealth has had the fewer enemies.
And if they worke now but a merited opera-
tion,

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tion, I hope it may be 500 yeares ere any of
so bold a brow, shall desperately againe adven-
ture to awaken them.

And if his Lordship be not made a president
for punishment: I know not but hee may
prove a President for example, to animate
others of a Vastrous and presuming braine, to
take up the same way from a pleasurable bo-
some, to doome both Nobles, and the Com-
mons, into a State of deep calamity. And so
your Lordships lenity to him; may by
indulgence wound a future multitude. His
many crimes which you have heard fully pro-
ved, will immortalize your Peerage for a no-
ble Justice. The learned Orator has antiently
told us, that *Non potest cuiquam male de Repub-
merenti, justa esse causa.* And though it be se-
vere, it cannot be unrighteous, for *Hoc spe-
stant Reges, Hoc volunt, incolumem esse Civium
Conjunctionem, quam qui dirimunt, eos morte,
exilio, vinculis, damno, coercent.*

Thus every man will know what channell to
steere in, what roks to avoyd, what he is not
to doe, what he is not to say for feare of mee-
ting such paines.

Thus men of honest wisedome, will be cau-
tious of keeping in the plaine rode of the
Law, and never hazard (by crossing through
untro-

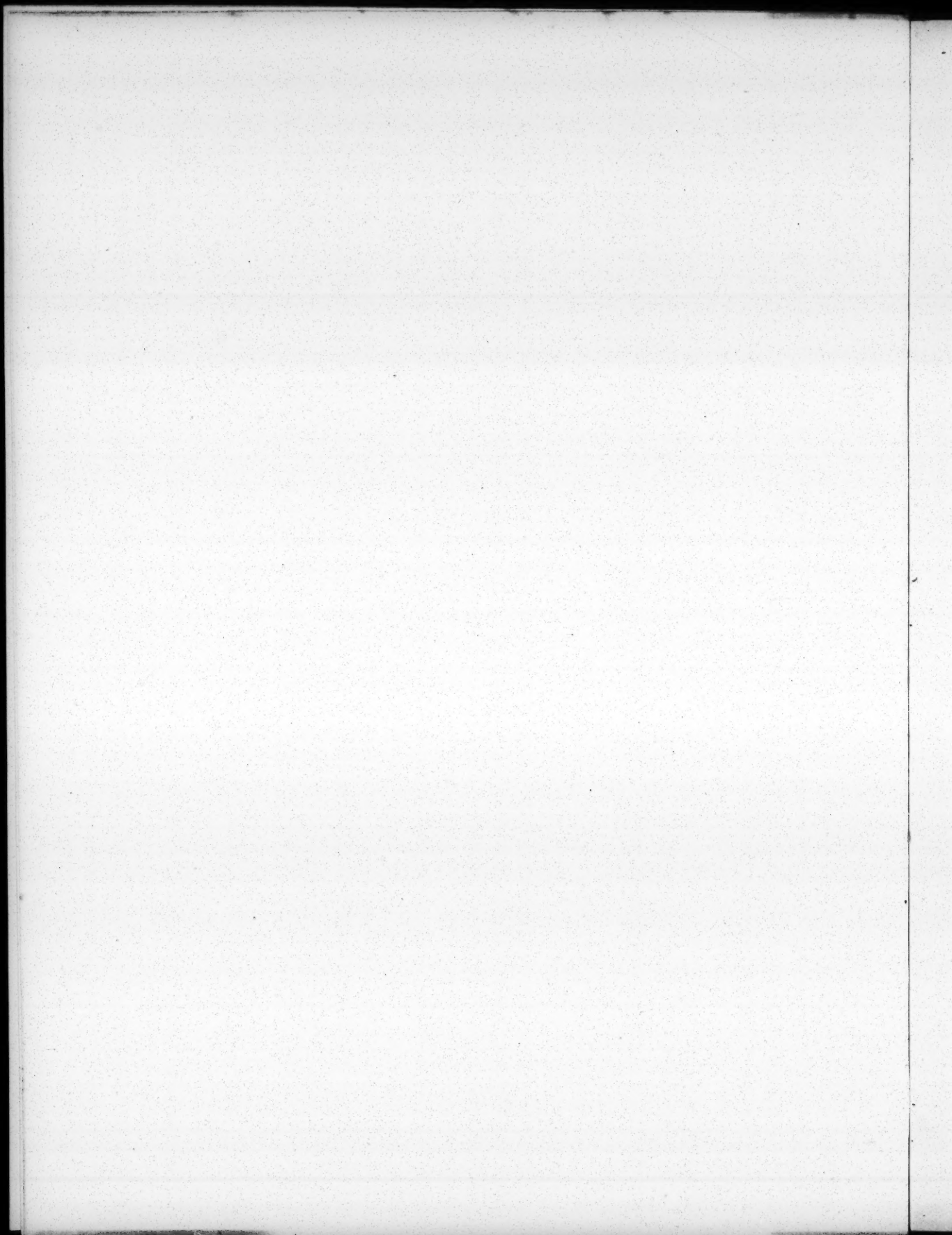
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untroden Thickets) either Honour, Issue, or
fortune, to a losse. What his Maiestie may
graciously intend to the pledge of his Sainet,
will rest in his most Royall heart: Though I
hope the want of a Midwife did not make her
one, nor his marriage within a moneth after
her decease did ere make him account her
so.

And now (my Lords) wee shall humbly
expect your Honorable Judgements, beseech-
ing you will be nobly pleased to defend those
Lawes which have ever defended you, to have
respect to your owne future liberty, and the
safety of these flourishing Kingdomes: Then
what ever your sentence be,

*To Deum laudamus. Cantemus Iehova, clangamur
re Deum confitemur. Rupibus, salutis nostre.*

FINIS



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